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SUBJECT: NGOS RATE SURABAYA'S OFFICIAL EFFORTS TO COMBAT TIP: POLICE
PRAISED, PROSECUTORS AND JUDGES PANNED

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Accordingly.

1. (SBU) Summary. Representatives of local NGOs gave Surabaya's official efforts to combat trafficking in persons a failing grade overall. While generally praising the efforts of the police, the NGOs said the police were too under-resourced to be truly effective. The NGOs universally criticized the performance of both prosecutors and judges. Noting the improvement in police performance following USG-provided training, the NGOs stressed that establishing and training special units in both the prosecutor's office and the courts was critical to success. The Surabaya City government is establishing a Trafficking Task Force to monitor and coordinate action between the NGOs, police, prosecutors and courts. OPDAT plans to bring TIP training for prosecutors and police to Surabaya in January 2010. A TIP-focused IVLP comprised of police, prosecutors, and NGO reps will occur in FY-2010. End Summary

NGOs Give Police Mixed Marks

2. (SBU) During a recent meeting with Surabaya Pol/Econ Officer, representatives of several local NGOs active in combating human trafficking and assisting its victims observed that the police in Surabaya have a better understanding about Indonesian trafficking laws and handle trafficking cases better than either public prosecutors or judges. They gave credit to training the police have received in recent years for the police's performance. In particular, the representatives emphasized the usefulness of ICITAP's TIP training during 2006-2007. This training focused on increasing the police's awareness of trafficking and the national trafficking law and other related regulations and put NGOs and police in the same forum to encourage joint cooperation which has been severely lacking in the past.

3. (SBU) The NGO reps added that Surabaya police further developed their counter-TIP capabilities by committing resources to the problem. However, they emphasized that this is not the case in other areas in East Java and in the eastern part of Indonesia. Fery, a representative of the Genta Foundation, which operates a shelter for trafficking victims, observed that a police precinct in Trenggalek, East Java, has only one police officer to handle every kind of case from murder to illegal logging to trafficking. Fery observed that this lack of personnel leaves the police officer with no time to read and understand the trafficking law, which negatively impacts his

ability to enforce it.

Corruption Still a Problem

14. (SBU). The NGOs noted that Surabaya police officers were not universally committed to combating TIP. Yoris, a representative from the Hotline Foundation, which operates in a major red-light district assisting sex workers with health and reproductive issues, said that while police in Surabaya understand the trafficking law and how to apply it, some of them do not want to apply the law due to corruption. According to Yoris, one method for police to get around the Trafficking Law is to instead use the Criminal Code, Labor Law, and the Child Protection Law in trafficking cases, which results in a lighter sentence for the trafficker. While bribery in trafficking cases involving police officers could be reported to a designated office in police headquarters, the NGO representatives expressed concern that if they were to report corruption then police would stop providing NGOs information and granting them the access necessary to assist trafficking victims.

15. (SBU) Nur Lailiyah, a representative from the Women's Pro-Democracy Coalition (KPPD), which focuses on providing advocacy and assistance for victims of domestic violence and trafficking as well as increasing female representation in politics, provided a recent example of police corruption in a TIP case. According to her, the Tanjung Perak Police at the Surabaya Port apprehended several individuals on suspicion of trafficking eleven women from East Nusa Tenggara (NTT) in June. These individuals were employees of an employment agency that, according to Nur Lailiyah, fraudulently obtained identity documents for the eleven women and brought them to Surabaya en route to Malaysia, where they had been promised jobs as domestic workers. KPPD helped the victims return home to NTT with the assistance of the Human Rights Protection Coalition, an NGO

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based there. According to Nur Lailiyah, the police released the accused traffickers after four days of detention. She said that the police were unwilling to discuss the outcome of the case with KPPD. Separately, a representative from the Human Rights Protection Coalition told Pol-Econ Officer that the employment agency paid approximately \$5,000 each to an undisclosed number of police officers to release the accused traffickers.

Prosecutors and Judges Panned

16. (SBU) In contrast to their mixed evaluation of the Surabaya Police, the NGO representatives were universally critical of both prosecutors and judges. The NGOs stated that the number of trafficking prosecutions in Surabaya is much lower than the number of arrests made by the police. The disparity between prosecutions and arrests is even greater in the rest of Eastern Indonesia. NGO representatives attribute this disparity to limited understanding of the trafficking law, limited resources, and corruption on the part of both the prosecutor's office and the courts. Unlike police units, which have special Woman and Children Units to handle trafficking cases, there is no special entity or designated office within the prosecutor's office to handle trafficking cases. Furthermore, limited cooperation, and significant institutional competition between police, prosecutors, and the courts impedes the trafficking eradication effort. Nur Lailiyah said that improvement in police understanding and implementation of the trafficking law will mean nothing without the support of the prosecutors and judges. In the view of these NGOs, providing training for, and supporting the establishment of special units in both prosecutor's offices and the courts is vital to successfully combat TIP in Eastern Indonesia.

Optimistic About the Trafficking Task Force

17. (SBU) The NGOs expressed optimism about the Surabaya City

government's commitment to anti-TIP measures. The Surabaya City Government is establishing a Trafficking Task Force as required by the Trafficking Law and Presidential Decree # 69/2008. The task force will function as a coordinator for advocacy and monitoring efforts. Members of the task force will include NGOs, government officials, police officers, port authority representatives, airport administrators, prosecutors, and judges. Nur Lailiyah said that the role of the task force will be significant if it can coordinate and oversee the trafficking prevention and eradication efforts of the various stakeholders. She said that all of the organizations involved gave a positive response to the establishment of the task force, except the court, which never sent any representative, and the prosecutor's office, which always sent a different official to each coordination meeting.

NGO Victim Assistance Efforts

18. (SBU) The NGO representatives all expressed their understanding that police have an unwritten expectation that NGOs are only responsible for assisting the trafficking victims and should not intervene in the legal process. In contrast, the NGOs believe that making sure that the legal process runs fairly is part of providing assistance to trafficking victims. To combat this perception, NGOs work hard to develop personal relationships with individual police officers to get more access to the legal process. However, the NGOs noted that frequent rotations of police officers make this strategy difficult to implement long term.

19. (SBU) Fery said that assisting victims of trafficking was complicated by a lack of funding. The provincial East Java government, for example, only allocates \$15 per person to return trafficking victims to their home villages and only funds skills training for 25% of the trafficking victims in the province. The NGOs insist that education and training is necessary to help trafficking victims become independent economically and avoid intimidation from employment agencies. Repatriating victims without providing training creates an opportunity for the employment agencies to attempt to traffic the victim again. With limited government support, NGOs take full responsibility to return and provide training to trafficking victims.

Planned USG TIP Programs

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110. (SBU) Post is arranging TIP training in Surabaya for prosecutors and police through OPDAT Jakarta in January 2010. Post has also developed a FY-10 IVLP team comprised of two police officers, a local prosecutor, and a member of an NGO, which will focus on combating TIP through visits with U.S. officials and institutions responsible for TIP enforcement, prosecution, and education. The Mission Indonesia ICITAP TIP program has not received new G/TIP funding and will close in March 2010.
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